

# Senate Study Bill 1198 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ZAUN)

## A BILL FOR

1 An Act relating to officer-involved shootings and  
2 officer-involved critical incidents.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80B.11, subsection 1, Code 2019, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *m.* Minimum educational standards for  
4 peace officers investigating officer-involved shootings or  
5 officer-involved critical incidents.

6 Sec. 2. NEW SECTION. **80H.1 Peace officer-involved shootings**  
7 **and officer-involved critical incidents — investigations.**

8 1. As used in this section, unless the context otherwise  
9 requires:

10 *a.* “*Department*” means the department of public safety.

11 *b.* “*Division*” means the division of criminal investigation  
12 of the department of public safety.

13 *c.* “*Officer-involved critical incident*” means any of the  
14 following:

15 (1) The use of a dangerous weapon by an officer against a  
16 person that causes injury to any person.

17 (2) A fatal injury to any person except the officer  
18 resulting from the use of a motor vehicle by an officer.

19 (3) The death of a person who is in law enforcement  
20 custody, but not including a death that is the result of  
21 disease, natural causes, or conditions that have been medically  
22 diagnosed prior to the person’s death.

23 (4) A fatal injury to a person resulting from the efforts  
24 of an officer attempting to prevent a person’s escape from  
25 custody, make an arrest, or otherwise gain physical control of  
26 a person.

27 *d.* “*Officer-involved shooting*” means the discharge of a  
28 firearm by an officer that results in serious bodily injury  
29 or death of a person, including an accidental discharge of a  
30 firearm.

31 *e.* “*Peace officer*” or “*officer*” means the same as defined  
32 in section 801.4.

33 2. A chief of police, sheriff, or head of any law  
34 enforcement agency shall report an officer-involved shooting  
35 or officer-involved critical incident to the division within

1 twenty-four hours of the incident.

2 3. The division may commence a criminal investigation  
3 of an officer-involved shooting or officer-involved critical  
4 incident in this state on its own initiative, or upon request  
5 of the attorney general, a county attorney, a chief of police,  
6 a sheriff, or the head of any other law enforcement agency.

7 4. The peace officer in charge of investigating an  
8 officer-involved shooting or officer-involved critical incident  
9 shall notify the attorney general and county attorney of the  
10 investigation.

11 5. The peace officer in charge of investigating an  
12 officer-involved shooting or officer-involved critical  
13 incident may request that the officer who is the subject of an  
14 officer-involved shooting or officer-involved critical incident  
15 investigation submit to a voluntary interview as part of the  
16 investigation.

17 6. The peace officer in charge of investigating an  
18 officer-involved shooting or officer-involved critical  
19 incident shall inform the officer who is the subject of the  
20 investigation of the right to legal counsel, shall allow a  
21 reasonable opportunity for the officer to secure legal counsel  
22 in advance of an interview or interrogation, and shall inform  
23 the officer of the officer's right to remain silent.

24 7. Upon request, an officer who is the subject of an  
25 investigation or the officer's legal counsel shall have the  
26 right to immediately receive, at no charge, a certified copy of  
27 video and audio recordings, including any body camera video and  
28 radio traffic recordings, to use in the officer's defense. The  
29 requested video and audio recordings shall be provided at least  
30 forty-eight hours prior to an interview, interrogation, or  
31 grand jury proceeding. The officer and officer's legal counsel  
32 shall not release any confidential video and audio recordings  
33 to the public without the written consent of the lawful records  
34 custodian or a court order authorizing the release.

35 8. The department shall keep the name of an officer involved

1 in a shooting or a critical incident confidential until the  
2 officer has been interviewed or interrogated as part of the  
3 investigation, or until the officer or the officer's legal  
4 counsel declines a voluntary interview. The department and  
5 the officer's employing agency shall keep the home address and  
6 personal contact information of the officer confidential.

7 9. The law enforcement agency employing an officer involved  
8 in a shooting or a critical incident shall promptly offer  
9 to the officer confidential peer support and confidential  
10 counseling at no charge to the officer.

11 10. The department shall develop and maintain a searchable  
12 database providing statistics and demographic information  
13 for each officer-involved shooting and each officer-involved  
14 critical incident reported each calendar year and shall update  
15 the database at least quarterly. The commissioner of the  
16 department shall post the database on the department's internet  
17 site. The department shall not report personally identifying  
18 information of an officer involved in a shooting or a critical  
19 incident or of any other person involved.

20 11. The Iowa law enforcement academy shall develop and  
21 promulgate minimum educational standards for any peace officer  
22 performing officer-involved shooting or officer-involved  
23 critical incident investigations. An employing law enforcement  
24 agency shall provide periodic training to a peace officer  
25 performing officer-involved shooting or officer-involved  
26 critical incident investigations and any supervisor who  
27 may respond to a report of an officer-involved shooting or  
28 officer-involved critical incident.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with  
31 the explanation's substance by the members of the general assembly.

32 This bill relates to officer-involved shootings and  
33 officer-involved critical incidents.

34 The bill defines "officer-involved critical incident" as  
35 any of the following: the use of a dangerous weapon by an

1 officer against a person that causes injury to any person; a  
2 fatal injury to any person except the officer resulting from  
3 the use of a motor vehicle by an officer; the death of a person  
4 who is in law enforcement custody, but not including a death  
5 that is the result of disease, natural causes, or conditions  
6 that have been medically diagnosed prior to the person's death;  
7 or a fatal injury to a person resulting from the efforts of an  
8 officer attempting to prevent a person's escape from custody,  
9 make an arrest, or otherwise gain physical control of a person.  
10 "Officer-involved shooting" is defined as the discharge of a  
11 firearm by an officer that results in serious bodily injury  
12 or death of a person, including an accidental discharge of a  
13 firearm.

14 The bill provides that the chief of police, sheriff, or head  
15 of any law enforcement agency shall report an officer-involved  
16 shooting or officer-involved critical incident to the division  
17 of criminal investigation of the department of public safety  
18 (division) within 24 hours of the incident. The division  
19 may commence an investigation on its own initiative, or upon  
20 request by the attorney general, a county attorney, a chief of  
21 police, a sheriff, or the head of any other law enforcement  
22 agency. The peace officer in charge of investigating an  
23 officer-involved shooting or officer-involved critical incident  
24 shall notify the attorney general and county attorney of the  
25 investigation, and may request that the officer who is the  
26 subject of the investigation submit to a voluntary interview.  
27 The officer who is the subject of the investigation shall be  
28 informed of the right to legal counsel, shall be allowed a  
29 reasonable opportunity to secure legal counsel in advance of an  
30 interview or interrogation, and shall be informed of the right  
31 to remain silent.

32 The bill provides that upon request, an officer who is the  
33 subject of an investigation or the officer's legal counsel  
34 shall have the right to receive, at least 48 hours prior to  
35 an interview, interrogation, or grand jury proceeding, at

1 no charge, a certified copy of video and audio recordings,  
2 including body camera video and radio traffic recordings, to  
3 use in the officer's defense. The officer and officer's legal  
4 counsel shall not release any confidential video and audio  
5 recordings to the public without the written consent of the  
6 lawful records custodian or a court order authorizing the  
7 release.

8 The bill provides that the department of public safety  
9 (department) shall keep the name of an officer involved in a  
10 shooting or critical incident confidential until the officer  
11 has been interviewed or interrogated as part of the criminal  
12 investigation, or until the officer or the officer's legal  
13 counsel declines a voluntary interview. The department and  
14 the officer's employing agency shall keep the home address  
15 and personal contact information of the officer confidential.  
16 The law enforcement agency employing an officer involved in  
17 a shooting or critical incident shall promptly offer to the  
18 officer confidential peer support and confidential counseling  
19 at no charge to the officer.

20 The bill provides that the department shall develop and  
21 maintain a searchable database providing statistics and  
22 demographic information for each officer-involved shooting and  
23 each officer-involved critical incident reported each calendar  
24 year and shall update the database at least quarterly, and the  
25 commissioner of the department shall post the database on the  
26 department's internet site. The department shall not report  
27 personally identifying information of an officer involved in a  
28 shooting or critical incident or of any other person involved.  
29 The Iowa law enforcement academy shall develop and promulgate  
30 minimum educational standards for any peace officer performing  
31 officer-involved shooting or officer-involved critical incident  
32 investigations. An employing law enforcement agency shall  
33 provide periodic training to a peace officer performing  
34 officer-involved shootings or officer-involved critical  
35 incident investigations and any supervisor who may respond to a

S.F. \_\_\_\_\_

1 report of an officer-involved shooting or an officer-involved  
2 critical incident.